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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION
17

18 REBECCA TAYLOR, and C.T., a minor by
19 REBECCA TAYLOR, C.T.,’s parent and
20 guardian, on behalf of themselves and all others
similarly situated,

21 Plaintiff,

22 v.

23 Apple Inc.,

24 Defendant.
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Case No. 3:20-CV-03906-RS

**STIPULATION AND ORDER TO
AMEND BRIEFING SCHEDULE AND
CONTINUE HEARING ON APPLE
INC.’S MOTION TO DISMISS**

Date: No Hearing per Civ. L.R. 6-2(b)

Dept: Courtroom 3, 17th Floor
Judge: The Hon. Richard Seeborg

Complaint filed: June 12, 2020
Trial Date: None set.

STIPULATION

Pursuant to Local Rules 6-1 and 6-2, Plaintiffs Rebecca Taylor and C.T., a minor, by Rebecca Taylor C.T.'s parent and guardian, on behalf of themselves and all others similarly situated ("Plaintiffs") and Defendant Apple Inc. ("Defendant") enter into this stipulation and agreement, subject to the Court's approval, to extend the deadline to file a reply memoranda in support of, and continue the hearing on, Defendant's Motion to Dismiss Plaintiffs' First Amended Complaint ("Motion").

1. WHEREAS, Plaintiffs filed their Complaint on June 17, 2020 (ECF No. 1);

2. WHEREAS, Defendant's filed a motion to dismiss under Federal Rule of Civil Procedure 12(B)(6) on August 24, 2020 (ECF No. 24); Plaintiffs opposed Defendant's motion to dismiss on October 8, 2020 (ECF No. 27) and Defendant filed their reply in response on November 9, 2020 (ECF No. 33); and on March 19, 2021, this Court issued an order granting Defendant's motion to dismiss with leave to amend, giving Plaintiffs 20 days to file an amended complaint (ECF No. 46);

3. WHEREAS, Plaintiffs filed their Amended Complaint on April 8, 2021 (ECF No. 48)

4. WHEREAS, the Court granted the Parties' stipulated briefing schedule on Defendant's Motion, ordering the Motion due by May 10, 2021, Plaintiffs' opposition due June 11, 2021, Defendants' reply due June 28, 2021, and the Motion to be heard on July 15, 2021 (ECF No. 50);

5. WHEREAS, on May 10, 2021, Defendant filed its Motion (ECF No. 56);

6. WHEREAS, the Court granted the Parties' stipulated briefing schedule and continuance of hearing on Defendant's Motion, ordering Plaintiff's opposition to the Motion due June 25, 2021, Defendant's reply due July 12, 2021, and the Motion to be heard on July 29, 2021 (ECF No. 58);

7. WHEREAS, Plaintiffs filed their opposition to the Motion on June 25, 2021 (ECF No. 63);

8. WHEREAS, the Parties believe good cause exists to extend the deadline for Defendant to file its reply brief by one week—due to the unavailability of counsel during the week of July 4,

2021—and to continue the hearing three weeks—due to the complexity of the claims and allegations in this matter and the unavailability of Defendant’s counsel the first week of August 2021 and the Court’s unavailability on August 12, 2021;

9. WHEREAS, the Parties have previously requested one continuance in this matter regarding the Initial Case Management Conference and the briefing schedule on Defendant’s motion to dismiss the original Complaint (ECF No. 26) and two continuances on the briefing schedule on Defendant’s Motion (ECF Nos. 50, 57), but the most recent stipulation (ECF No. 57) extended the time for opposition by two weeks but did not enlarge the time for filing the reply brief at issue here beyond the time originally agreed, and this briefing schedule and hearing continuance will have no impact on any other events or deadlines.

ACCORDINGLY, IT IS HEREBY STIPULATED AND AGREED, subject to the approval of the Court that:

1. The deadline for Defendant to file its reply in support of its motion to dismiss is **July 19, 2021**;

2. Defendant’s motion to dismiss shall be heard, subject to the Court’s availability, on **August 19, 2021 at 1:30 p.m.**

IT IS SO STIPULATED.

Dated: June 28, 2021

DENTONS US LLP

By: /s/ Andrew S. Azarmi*
ANDREW S. AZARMI

Attorney for Defendant
APPLE INC.

1 Dated: June 29, 2021

BLOOD HURST O'REARDON LLP

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3 By: /s/ Thomas J. O'Reardon, II
4 THOMAS J. O'REARDON, II

5 Attorney for Plaintiffs

6 **ECF ATTESTATION**

7 I, Andrew Azarmi, am the ECF User whose ID and password are being used to file this
8 document. I attest that concurrence in the filing of this document was obtained from all signatories.

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10 **DECLARATION OF ANDREW AZARMI**

11 I, Andrew Azarmi, declare as follows:

12 1. I am a member of the bar of this Court and a litigation partner with the law firm of
13 Dentons US LLP, counsel of record for Defendant Apple Inc. ("Apple"). I make this declaration in
14 support of the Parties' stipulated briefing schedule and hearing continuance. Unless otherwise stated,
15 the contents of this declaration are based upon my personal knowledge and, if called to testify, I
16 could and would testify competently about the matters in this declaration.

17 2. Plaintiffs filed their opposition to Defendant's Motion on June 25, 2021.

18 3. The Parties believe good cause exists to extend the deadline for Defendant to file its
19 reply brief by one week—due to the unavailability of counsel during the week of July 4, 2021—and
20 to continue the hearing two weeks—due to the complexity of the claims and allegations in this matter
21 and the unavailability of Defendant's counsel the first week of August 2021.


22 4. The Parties have previously requested one continuance in this matter regarding the
23 Initial Case Management Conference and the briefing schedule on Defendant's motion to dismiss the
24 original Complaint (ECF No. 26) and two continuances on the briefing schedule on Defendant's
25 Motion (ECF Nos. 50, 57), but the most recent stipulation (ECF No. 57) extended the time for
26 opposition by two weeks but did not did not enlarge the time for filing the reply brief, and this
27 briefing schedule and hearing continuance will have no impact on any other events or deadlines.

1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct and that this declaration is executed on June 29, 2021, in San Francisco,
3 California.

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5 /s/ Andrew S. Azarmi
Andrew S. Azarmi

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8 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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10 Dated: June 30, 2021

11 
12 HON. RICHARD SEEBORG
13 UNITED STATES DISTRICT COURT JUDGE
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CERTIFICATE OF SERVICE

I am a citizen of the United States and employed in the County of Alameda, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 1999 Harrison Street, Suite 1300, Oakland, California 94612.

I declare under penalty of perjury under the laws of the United States that on June 30, 2021, I caused to be served on the interested parties in this action the following documents

STIPULATION AND [PROPOSED] ORDER TO AMEND BRIEFING SCHEDULE & CONTINUE HEARING ON APPLE INC.'S MOTION TO DISMISS; DECLARATION OF ANDREW AZARMI electronically using the CM/ECF system to the email addresses on file with the Court, described as:

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Timothy G. Blood
Andrew J. Brown
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I declare under penalty of perjury under the laws of the State of California and of the United States of America that the above is true and correct. Executed on June 30, 2021 at Bay Point, California


Adrienne Hankins

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